

Message Text

LIMITED OFFICIAL USE

PAGE 01 RANGOO 03965 01 OF 03 040604Z

11
ACTION EA-09

INFO OCT-01 ISO-00 DHA-02 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 AID-05 IGA-02 ACDA-07 OMB-01 TRSE-00 MC-02

/075 W

----- 128915

R 040425Z DEC 76
FM AMEMBASSY RANGOON
TO SECSTATE WASHDC 2677

LIMITED OFFICIAL USE SECTION 1 OR 3 RANGOON 3965

E.O. 11652: N/A
TAGS: SHUM, PFOR, PINT, PORG, EAID, EFIN, BM
SUBJ: HUMAN RIGHTS REPORT FOR CONGRESSIONAL PRESENTATION FOR FY 1978
SECURITY ASSISTANCE PROGRAM

REF: (A) STATE 288269, (B) RANGOON 3327, (C) STATE 231122,
(D) RANGOON 3317, (E) STATE 231123, (F) 75 RANGOON A-34

1. AS REPORTED REFTELS (B) AND (D), TEXTS OF THE HUMAN RIGHTS AND DIS

CRIMINATION PROVISIONS OF NEW SECURITY ASSISTANCE LEGISLATION WERE
PRESENTED TO THE GUB IN LATE SEPTEMBER.

2. FOLLOWING IS THE TEXT OF THE PROPOSED HUMAN RIGHTS REPORT, BASED ON

AN UPDATING AND REVISION OF REF F.

3. SUMMARY. IF THE CRITERIA OF THE 1976 SECURITY ASSISTANCE AND ARMS
EXPORT CONTROL ACT ARE APPLIED (PARTICULARLY THE DEFINITION OF THE TERM

"GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS"), THE
GUB HUMAN RIGHTS RECORD IS NOT BAD. LONG-TERM DETENTION ON PURELY
POLITICAL GROUNDS IS NOT A WIDESPREAD PRACTICE, THE USE OF PHYSICAL
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 RANGOO 03965 01 OF 03 040604Z

TORTURE IS ACTIVELY DISCOURAGED BY THE GOVERNMENT AND IS UNCOMMON IN

PRACTICE, AND OTHER FLAGRANT DENIALS OF LIFE, LIBERTY AND SECURITY OF THE PERSON ARE RARE. ON THE QUESTION OF FREE EMIGRATION, THE GUB CONTINUES TO FALL SHORT DESPITE SOME MINOR IMPROVEMENTS THIS YEAR. EXPENSIVE PROCEDURES, POLITICAL CONSIDERATIONS, AND THE NEED FOR BRIBERY MAKE EMIGRATION IMPOSSIBLE FOR MANY BURMESE NATIONALS. ALSO, HUMAN RIGHTS IN BURMA ARE IN MANY CASES ABRIDGED IN PRACTICE OR DENIED BY LAW TO NON-CITIZEN CHINESE AND INDIAN RESIDENTS. IF COMPARED AGAINST THE LOFTY PRINCIPLES OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, THE GUB PREDICTABLY FARES POORLY. PROTECTION FROM ARBITRARY ARREST, SPEEDY COURT TRIALS, FREEDOM OF EXPRESSION, FREE EMIGRATION, AND THE RIGHT TO FORM LABOR UNIONS ARE AMONG THOSE PRINCIPLES WHICH THE GUB DOES NOT GUARANTEE, AND IN SOME INSTANCES, RESTRICTS BY LAW. THE ABILITY OF THE UNITED STATES TO IMPROVE THE GUB'S TREATMENT OF ITS OWN NATIONALS IS LIMITED BY THE REGIME'S EXTREME NATIONALISM AND SENSITIVITY TO EXTERNAL--PARTICULARLY GREAT POWER--INVOLVEMENT IN ITS AFFAIRS.END SUMMARY.

4. INTRODUCTION. THE RECORD OF BURMA'S CURRENT REGIME IN THE HUMAN RIGHTS FIELD IS MIXED, IT COULD BE WORSE BUT IT COULD CERTAINLY BE BETTER. IT MUST BE RECALLED THAT FROM 1962 TO 1974 BURMA LACKED A CONSTITUTION IN FORCE AND WAS RULED BY THE NE WIN MILITARY GOVERNMENT BY FIAT THROUGH A "REVOLUTIONARY COUNCIL". IN AN EFFORT TO RETURN TO AT LEAST THE TRAPPINGS OF A CIVILIAN PARLIAMENTARY STRUCTURE, A NEW CONSTITUTION WAS ADOPTED BY NATIONAL REFERENDUM IN EARLY 1974. (ON THE CONSTITUTION AND THE METHODS BY WHICH ITS APPROVAL WAS ENSURED, SEE RANGOON A-159, DECEMBER 7, 1973; RANGOON A-006, JANUARY 18, 1974. ON THE FUNCTIONING OF THE GOVERNMENT STRUCTURE WHICH IT CREATED, SEE RANGOON A-079, JULY 5, 1974.) CHAPTER XI OF THAT CONSTITUTION DEFINES THE FUNDAMENTAL RIGHTS AND DUTIES OF CITIZENS. THESE PROVISIONS GUARANTEE THE CUSTOMARY CIVIL FREEDOMS FOUND IN MOST CONSTITUTIONS (FREEDOM OF SPEECH AND RELIGION, NON-DISCRIMINATION ON BASIS OF SEX OR ETHNIC ORIGIN, EQUALITY BEFORE THE LAW, NO PROLONGED DETENTION WITHOUT CHARGE, ETC.). HOWEVER, THE CONSTITUTION IN ARTICLE 167 ALSO PROVIDES THAT LAWS MAY BE ENACTED IMPOSING RESTRICTIONS ON CITIZENS' RIGHTS AND FREEDOMS TO PROTECT THE STATE AND THE SOCIALIST SYSTEM, AND AT LEAST ONE SUCH LAW HAS BEEN PASSED. (SEE BELOW).

A REALISTIC ASSESSMENT OF THE STATE OF HUMAN RIGHTS IN BURMA IS OF COURSE CONCERNED MORE WITH THE PRACTICE THAN WITH THE LETTER OF THE EXISTING LAW. CRUCIAL TO SUCH AN ASSESSMENT IS THE STANDARD BY LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 RANGOO 03965 01 OF 03 040604Z

WHICH SUCH LAW AND PRACTICE IS TO BE JUDGED. THE FOLLOWING ANALYSIS APPROACHES THE QUESTION IN TWO WAYS--ON THE BASIS OF THE DEFINITION OF VIOLATION OF HUMAN RIGHTS EMBODIED IN THE LANGUAGE OF THE 1976 SECURITY ASSISTANCE AND ARMS EXPORT CONTROL ACT, AND ON THE BROADER CRITERIA OF HUMAN RIGHTS FOUND IN THE UNIVERSAL DECLARATION.

5. THE SECURITY ASSISTANCE ACT CRITERIA. THE 1976 SECURITY ASSISTANCE LEGISLATION DEFINES "GROSS VIOLATIONS OF INTERNATIONALLY

RECOGNIZED HUMAN RIGHTS" TO INCLUDE "TORTURE OR CRUEL, INHUMAN OF DEGRADING TREATMENT OR PUNISHMENT, PROLONGED DETENTION WITHOUT CHARGES AND TRIAL, AND OTHER FLAGRANT DENIAL OF THE RIGHT TO LIFE, LIBERTY, OR THE SECURITY OF PERSON." ALSO, IN RECENT YEARS "POLITICAL PRISONERS" HAVE BEEN A PARTICULAR CONCERN IN CONNECTION WITH FOREIGN ASSISTANCE, AND THEREFORE THIS TOPIC MERITS SPECIAL ATTENTION.

A. POLITICAL PRISONERS

THE 1962 COUP WAS MARKED BY THE ARREST AND DETENTION OF MOST OF BURMA'S ELECTED LEADERS AND MANY OTHER PROMINENT POLITICAL FIGURES, THE MAJORITY OF WHOM WERE RELEASED IN 1966-67. ANOTHER WAVE OF ARRESTS, MOSTLY OF PERSONS WHO HAD ONE BEEN ASSOCIATED WITH U NU (THEN IN EXILE), OCCURRED IN 1972; THIS GROUP WAS RELEASED AT THE BEGINNING OF 1974. SINCE THAT TIME, WITH THE NEW CONSTITUTION IN FORCE, THERE IS LITTLE EVIDENCE THAT THE GUB HAS IMPRISONED ANY SIGNIFICANT NUMBER OF PERSONS ON PURELY "POLITICAL" GROUNDS. (WE EXCLUDE FROM THIS CATEGORY THE SUBSTANTIAL NUMBER OF PRISONERS BEING HELD, WITH OR WITHOUT TRIAL, FOR ACTS OF TERRORISM OR ARMED INSURGENCY.)

MANY POTENTIAL OPPOSITION LEADERS HAVE LEFT THE COUNTRY AND/OR RESORTED TO INSURRECTION, AND OTHERS, WHILE SUBJECT TO SURVEILLANCE BY THE GUB SECURITY APPARATUS, ARE LEFT GENERALLY UNDISTURBED. AFTER THE DECEMBER 1974 U THANT AFFAIR, FOR EXAMPLE, THE GUB DID NOT ARREST ANY PROMINENT POLITICAL FIGURES, ALTHOUGH IT APPEARS TO HAVE SUSPECTED THAT SOME OF THEM CONNIVED AT THE INITIAL STUDENT-MONK SEIZURE OF U THANT'S REMAINS. THE POPULACE AS A WHOLE, THOUGH FOR THE MOST PART DISSATISFIED WITH THE CURRENT REGIME, GENERALLY KEEPS ITS PEACE AND DOES NOT EXPRESS OPINIONS IN SUCH A WAY AS TO INVITE DETENTION. IN FACT, THE GUB SEEMS GENERALLY TOLERANT OF PRIVATE GRUMBLING, AND CRITICISM OF VARIOUS ASPECTS OF ITS PERFORMANCE

LIMITED OFFICIAL USE

NNN

LIMITED OFFICIAL USE

PAGE 01 RANGOO 03965 02 OF 03 040631Z

11

ACTION EA-09

INFO OCT-01 ISO-00 DHA-02 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 AID-05 IGA-02 ACDA-07 MC-02 TRSE-00 OMB-01

/075 W

----- 129432

R 040425Z DEC 76
FM AMEMBASSY RANGOON
TO SECSTATE WASHDC 2678

LIMITED OFFICIAL USE SECTION 2 OF 3 RANGOON 3965

EVEN APPEARS IN THE STATE-OWNED MEDIA.

WHEN A DISPLAY OF OPPOSITION REACHES THE POINT OF CALLING FOR THE OVERTHROW OF THE REGIME OR ITS SOCIALIST STRUCTURE, OR POSES A CHALLENGE TO THE GUB'S ABILITY TO MAINTAIN ORDER (SUCH AS THE JUNE 1974 LABOR DISTURBANCES, THE DECEMBER 1974 U THANT AFFAIR, OR THE SPRING 1976 UNIVERSITY DISTURBANCES), THE GOVERNMENT DOES NOT HESITATE TO ACT. IN THESE INSTANCES HUNDREDS, OR EVEN THOUSANDS, HAVE BEEN DETAINED WITHOUT FORMAL CHARGES, BUT THE MAJORITY WERE RELEASED WITHIN A SHORT TIME. THE REMAINDER WERE GENERALLY TRIED ON A VARIETY OF CHARGES WHICH IN MOST DEMOCRATIC COUNTRIES WOULD BE CONSIDERED POLITICAL, BUT THE GUB WOULD CONTENT THAT THESE PERSONS WERE SUSPECTED OF VIOLATING LAWS AGAINST UNLAWFUL ASSEMBLY, MISUSE OF STATE PROPERTY, OR SIMILAR TRANSGRESSIONS AGAINST THE STATE AND PUBLIC ORDER.

TRIALS AND CONVICTIONS ON OVERTLY POLITICAL CHARGES ARE RARE AND ARE GENERALLY LIMITED TO CASES OF ACTIVE MANIFESTATION OF OPPOSITION TO THE GOVERNMENT AND "SOCIALIST DEMOCRACY". IN 1974, FOR EXAMPLE, SOME YOUTHS WERE SENTENCED TO RELATIVELY SHORT PRISON TERMS FOR DISTRIBUTING LEAFLETS OPPOSING THE ELECTION AND FOR WRITING ANTI-GOVERNMENT SLOGANS ON WALLS. IN JULY 1976 THE GUB DISCOVERED THAT A SMALL GROUP OF JUNIOR OFFICERS WERE IN THE PRELIMINARY STAGES OF PLOTTING A COUP TO OVERTHROW THE REGIME, AND A SUBSTANTIAL NUMBER OF OFFICERS WERE DETAINED FOR VARYING PERIODS, LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 RANGOO 03965 02 OF 03 040631Z

THOUGH MOST WERE SOON RELEASED. THE ALLEGED CONSPIRATORS WERE BROUGHT TO TRIAL IN SEPTEMBER ON CHARGES UNDER THE HIGH TREASON ACT AND A BURMESE SOCIALIST PROGRAMME PARTY SPECIAL ACT CONCERNING PLOTS TO DESTROY THE PARTY. THIS CIVIL TRIAL, WHICH IS STILL GOING ON, HAS BEEN PUBLIC, AND THE DAILY NEWSPAPERS CARRY EXTENSIVE REPORTS OF THE COURT PROCEEDINGS AND TESTIMONY.

B. TORTURE AND CRUEL, INHUMAN OR DEGRADING TREATMENT
THERE IS NO EVIDENCE THAT PHYSICAL TORTURE IS SYSTEMATICALLY EMPLOYED BY THE GUB AGAINST PRISONERS, "POLITICAL" OR CRIMINAL, ALTHOUGH AGAIN THERE ARE PROBABLY INDIVIDUAL EXCEPTIONS TO THE RULE. IT IS KNOWN THAT THE GUB USES CERTAIN FORMS OF PSYCHOLOGICAL INTIMIDATION (LONG PERIODS OF ISOLATION, ENFORCED SLEEPLESSNESS, DIS-ORIENTATION TACTICS) TO BREAK DOWN THE RESISTANCE OF SUSPECTS, PARTICULARLY IF THEY ARE ACCUSED OF SUBVERSION OR OTHER ANTI-STATE ACTIVITIES. IN FACT, LITTLE COERCION IS PROBABLY REQUIRED TO GAIN THE COOPERATION OF A PRISONER, GIVEN THE POPULAR AWARENESS OF THE STATE'S OVERWHELMING AUTHORITY.

C. PROLONGED DETENTION WITHOUT CHARGES

SINCE 1947, LEGISLATION PERMITTING LENGTHY DETENTION WITHOUT CHARGE IN THE INTERESTS OF PROTECTING THE STATE HAS BEEN IN FORCE, ALTHOUGH THE CONSTITUTION PROHIBITS DETENTION WITHOUT CHARGE BEYOND 24 HOURS (ARTICLE 159 (B)). SINCE IN LABOR AND UNIVERSITY DISTURBANCES IT HAS BEEN COMMON PRACTICE TO DETAIN THOSE ARRESTED FOR A LONGER PERIOD, THE PEOPLE'S ASSEMBLY (PARLIAMENT) PASSED A STATUTE IN FEBRUARY OF 1975 WHICH IN EFFECT SUSPENDS ARTICLE 159 WHEN NECESSARY "TO PROTECT THE STATE FROM HOSTILE ELEMENTS". THUS PROLONGED DETENTION WITHOUT CHARGES IS PERMITTED UNDER THE LEGAL STRUCTURE OF BURMA.

D. FLAGRANT DENIALS OF THE RIGHT TO LIFE, LIBERTY AND THE SECURITY OF THE PERSON

WITHIN THE LIMITS OF PERMISSIBLE POLITICAL ACTIVITY (DISCUSSED ABOVE), THE LIFE AND PERSONAL SECURITY OF MOST BURMESE IS REASONABLY SAFE AGAINST ARBITRARY OR WHIMSICAL GOVERNMENT ACTION. TROOPS AND POLICE ARE WELL DISCIPLINED, AND WHILE THERE ARE OCCASIONAL EXCEPTIONS STEMMING FROM CORRUPTION, ARRESTS, LET ALON INJURY OR EXECUTION, ARE NORMALLY MADE ON A RATIONAL BASIS. CONDITIONS DIFFER SOMEWHAT IN THOSE AREAS OF THE COUNTRY--MOSTLY THE ETHNIC MINORITY AREAS--WHERE INSURGENCY IS ENDEMIC AND WHERE THE POPULACE MAY FALL INNOCENT VICTIMS TO THE CONFLICT. WHERE MILITARY OPERATIONAL NECESSITY DICTATES IT, THE GUB HAS NOT HESITATED TO CONSCRIPT LABORERS, TO REGROUP SCATTERED VILLAGES COMPULSORILY INTO STRATEGIC LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 RANGOO 03965 02 OF 03 040631Z

HAMLETS, AND THE LIKE. ON THE OTHER HAND, WE ARE AWARE OF INSTANCES IN WHICH THE ARMED FORCES HAVE DELIBERATELY WITHHELD AIR STRIKES OR ARTILLERY FIRE BECAUSE OF A RISK OF CIVILIAN CASUALTIES. IT SHOULD ALSO BE NOTED THAT RIGHTS ENJOYED BY BURMESE NATIONALS ARE OFTEN CURTAILED IN PRACTICE OR BY LAW FOR THE NON-CITIZEN RESIDENT INDIANS AND CHINESE.

E. DENIAL OF RIGHT OR OPPORTUNITY TO EMIGRATE OR SEEK ASYLUM THE EMIGRATION POLITY OF THE CURRENT REGIME HAS MADE LEGAL EMIGRATION DIFFICULT AND IN SOME INSTANCES IMPOSSIBLE. VARIOUS LEGAL AND BUREAUCRATIC REQUIREMENTS MAKE EMIGRATION A LENGTHY, ARDUOUS AND EXPENSIVE PROCESS FOR MOST BURMESE NATIONALS. (FOR CHINESE AND INDIANS THE PROCESS IS EASIER, IF NOT LESS EXPENSIVE, SINCE THEY ARE GENERALLY UNWANTED IN BURMA.) A CITIZEN APPLYING FOR A TRAVEL DOCUMENT TO EMIGRATE IMMEDIATELY LOSES HIS JOB IF EMPLOYED BY THE GOVERNMENT, CHARGES ARE LEVIED FOR ANY HIGHER EDUCATION RECEIVED IN BURMESE SCHOOLS, AND TAXES ARE ASSESSED IN ADVANCE ON WAGES THAT THE APPLICANT ANTICIPATES EARNING ABROAD. REAL PROPERTY MAY NOT BE TRANSFERRED AND IS CONFISCATED BY THE GUB UPON DEPARTURE. THE PROCESS NOW TAKES FROM SIX MONTHS TO ONE YEAR, WHICH REPRESENTS A SLIGHT IMPROVEMENT OVER RECENT YEARS. TRAVEL DOCUMENTS ARE RARELY DENIED, BUT ARE SIMPLY NOT ISSUED IF THE APPLICANT HAPPENS TO BE IN OPPOSITION TO THE REGIME OR UNABLE TO PAY THE STEEP BRIBES EXPECTED BY OFFICIALS ALONG THE WAY. THERE ARE SOME INDICATIONS THE GUB MAY BE RELAXING ITS RESTRICTIONS

SOMEWHAT FOR THOSE WITH FOREIGN WORK PERMITS IN HAND WHO WISH TO GO ABROAD, AND FOR SOME BURMESE NATIONALS RESIDENT ABROAD WHO WISH TO RETURN TO BURMA (I.E., STUDENTS WHO HAVE OVERSTAYED THEIR EXIT PERMITS AND WOMEN WHO HAVE MARRIED FOREIGNERS AND RENOUNCED BURMESE CITIZENSHIP). IT IS UNLIKELY, HOWEVER, THAT THE CURRENT REGIME WILL EVER PERMIT FREE OR EXPEDITIOUS EMIGRATION FOR BURMESE NATIONALS.

LIMITED OFFICIAL USE

NNN

LIMITED OFFICIAL USE

PAGE 01 RANGOO 03965 03 OF 03 040721Z

21

ACTION EA-09

INFO OCT-01 ISO-00 DHA-02 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 AID-05 IGA-02 ACDA-07 MC-02 TRSE-00 OMB-01

/075 W

----- 129844

R 040425Z DEC 76

FM AMEMBASSY RANGOON

TO SECSTATE WASHDC 2679

LIMITED OFFICIAL USE SECTION 3 OF 3 RANGOON 3965

6. THE BROAD APPROACH--THE UNIVERSAL DECLARATION OF HUMAN RIGHTS. THE LOFTY PRINCIPLES OF THE DECLARATION, BY WHICH MANKIND SHOULD IDEALLY LIVE AND GOVERN, ARE PRACTICED IN FULL BY FEW IF ANY COUNTRIES IN THE WORLD. LIKE MOST COUNTRIES OF THE LESS DEVELOPED WORLD, BURMA FALLS CONSIDERABLY SHORT. SOME OF THE MORE OBVIOUS SHORTCOMINGS:

A. PROTECTION FROM ARBITRARY ARREST (ART.9)

AS NOTED ABOVE, ARREST WITHOUT JUDICIAL PROCESS, AND DETENTION WHICH IS SOMETIMES PROLONGED, HAVE BEEN PRACTICED IN THE PAST AND ARE SANCTIONED BY LAW. ON THE OTHER HAND, FEW ARRESTS HAVE BEEN MADE IN THE PAST, OR AT PRESENT, WITHOUT SOME RATIONAL BASIS. ROUNDUPS OF SUSPECTS HAVE SOMETIMES BEEN LARGE-SCALE--SEVERAL HUNDRED OR EVEN SEVERAL THOUSAND NATIONWIDE--BUT TO THE BEST OF OUR KNOWLEDGE THERE HAS USUALLY BEEN ADEQUATE REASON FOR THE GOVERNMENT TO SUSPECT THOSE DETAINED OF EITHER CRIMINAL ACTIVITY (ESPECIALLY "ECONOMIC CRIMES" SUCH AS BLACK-MARKETING) OR OF ANTI-REGIME

ACTIVITY OR SENTIMENTS.

B. PRESUMED INNOCENCE UNTIL PROVEN GUILTY BY PUBLIC TRIAL (ART.11)
AGAIN, THE LEGALLY SANCTIONED PRACTICE OF DETENTION WITHOUT TRIAL
DISCUSSED PREVIOUSLY WOULD APPEAR TO CONTRAVENE THIS ASPECT OF THE
DECLARATION. IN FACT, THE RECENT LEGISLATION PERMITTING SUCH DE-
TENTION TO PROTECT THE STATE IS SPECIFICALLY DESIGNED FOR THOSE
CASES WHERE THERE IS NOT SUFFICIENT EVIDENCE TO FORMULATE CHARGES
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 RANGOO 03965 03 OF 03 040721Z

BEFORE A COURT. WHERE TRIALS DO TAKE PLACE, THEY NORMALLY ARE
PUBLIC, AND THE BURDEN OF PROOF IS AT LEAST NOMINALLY ON
THE PROSECUTION.

C. FREEDOM OF MOVEMENT WITHIN THE STATE (ART. 13 (1))
MOVEMENT OF TRAVEL BY BURMESE NATIONALS WITHIN THE COUNTRY IS SOME-
WHAT RESTRICTED. MOVEMENT IN AREAS OF ACTIVE INSURGENCY OR WHERE
MILITARY OPERATIONS ARE UNDERWAY IS SOMETIMES PROHIBITED. ADDI-
TIONALLY, EVEN A TEMPORARY CHANGE OF RESIDENCE MUST BE APPROVED
BY THE LOCAL AUTHORITIES AND PERMISSION IS OCCASIONALLY DENIED.
ALL OVERNIGHT GUESTS MUST BE REPORTED BY HOUSEHOLDERS TO THE LOCAL
PEOPLE'S COUNCIL.

IN THE CASE OF NON-CITIZEN RESIDENTS (PRIMARILY INDIANS AND CHINESE,
MANY OF WHOM WERE BORN IN BURMA), TRAVEL RESTRICTIONS ARE EVEN
MORE ONEROUS THAN FOR CITIZENS. THEY MUST HAVE AN INTERNAL VISA
FROM THE LOCAL PEOPLE'S COUNCIL FOR ANY TRAVEL WITHIN BURMA.

D. THE RIGHT TO LEAVE AND RETURN TO ONE'S COUNTRY (ART. 13 (2))
EMIGRATION IS RESTRICTED OR MADE DIFFICULT AND EXPENSIVE (SEE
ABOVE) AND EMIGRES ARE NOT AUTOMATICALLY PERMITTED TO RETURN
EVEN FOR TEMPORARY VISITS. PERMISSION FOR MOST TEMPORARY TRAVEL
ABROAD (EXCEPT ON GOVERNMENT BUSINESS) IS SIMPLY DENIED.

E. FREEDOM OF OPINION AND EXPRESSION (ART.19)
PRIVATE GRUMBLING ABOUT THE GOVERNMENT IS ACCEPTABLE; PUBLIC
DECLARATIONS IN OPPOSITION TO THE REGIME OR THE SOCIALIST STATE
ARE NOT. THE MEDIA, OF COURSE, ARE GOVERNMENT-OWNED AND NOT
AVAILABLE FOR ANTI-GOVERNMENT COMMENT. PRIMARILY BECAUSE OF AN
ACUTE SHORTAGE OF FOREIGN EXCHANGE, ONLY A FEW FOREIGN BOOKS
OR MAGAZINES, AND NO NEWSPAPERS, ARE IMPORTED, AND THOSE WHICH ARE,
ARE SUBJECT TO A FAIRLY MILD CENSORSHIP. LOCALLY-PUBLISHED BOOKS
AND PAMPHLETS ARE MUCH MORE RIGOROUSLY CENSORED TO PREVENT THE
APPEARANCE NOT ONLY OF ANTI-GOVERNMENT SENTIMENTS BUT OF COMMENTS
WHICH MIGHT EMBARRASS BURMA'S FOREIGN RELATIONS, STIMULATE RE-
LIGIOUS CONTROVERSY, OR THE LIKE. FOREIGN RADIO STATIONS SUCH AS
BBC AND THE VOICE OF AMERICA MAY BE FREELY LISTENED TO AND ARE
WIDELY HEARD: INSURGENT STATIONS NEAR THE CHINESE AND THAI BORDERS
HAVE SMALLER AUDIENCES AND HAVE BEEN JAMMED, BUT WE KNOW OF NO
INSTANCE OF GOVERNMENT ACTION AGAINST LISTENERS.

F. RIGHT TO FORM AND JOIN TRADE UNIONS (ART. 23 (4))
TRADE UNIONS ARE PROHIBITED IN BURMA. "WORKERS COUNCILS" CONTROLLED
BY THE OFFICIAL PARTY AND THE GOVERNMENT ARE THE ONLY FORM OF
LABOR ORGANIZATION PERMITTED.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 RANGOO 03965 03 OF 03 040721Z

7. U.S. ABILITY TO INFLUENCE HUMAN RIGHTS IN BURMA

THE ABILITY OF THE U.S. TO IMPROVE THE BURMESE GOVERNMENT'S TREATMENT OF ITS OWN NATIONALS AND RESIDENT FOREIGNERS IS EXTREMELY LIMITED. U.S. LEVERAGE IN BURMA IS MINIMAL; FOR INSTANCE, THE ONLY REMAINING BILATERAL ASSISTANCE PROGRAM IS THE SUPPLY OF HELICOPTERS AND OTHER EQUIPMENT FOR USE IN CONTROLLING OPIUM PRODUCTION AND TRAFFIC. MAKING DELIVERIES CONTINGENT ON AN IMPROVED HUMAN RIGHTS STANCE BY THE GUB (REER EMIGRATION, FOR EXAMPLE) WOULD IN EFFECT TERMINATE THE PROGRAM SINCE THE HIGHLY NATIONALISTIC, INTENSELY PROUD GOVERNMENT WOULD PROMPTLY REJECT ANY SUCH SUGGESTION

THIS STRATEGY WOULD NOT IMPROVE HUMAN RIGHTS IN BURMA BUT WOULD ADVERSELY AFFECT THE STRONG U.S. INTEREST IN NARCOTICS CONTROL. IT WOULD ALSO REKINDLE LATENT SUSPICIONS OF THE U.S. AS A POWER MANIPULATOR AND UNDERMINE THE SLIGHT PROGRESS MADE IN ADVANCING THE MODEST U.S. GOVERNMENT PROGRAMS IN BURMA, E.G., CULTURAL EXCHANGE.

SIGNIFICANT CHANGES IN ATTITUDES TOWARDS HUMAN RIGHTS IN BURMA WILL PROBABLY COME ONLY IF THERE IS A CHANGE IN GOVERNMENT AND MOVEMENT TOWARD A FREER, MORE DEMOCRATIC STRUCTURE. IN THE SHORT TERM, THE CHANCES FOR SUCH A DRAMATIC SHIFT IN BURMA'S POLITICAL DEVELOPMENT APPEAR SLIM.

OSBORN

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: REPORTS, HUMAN RIGHTS, US CONGRESSIONAL PRESENTATIONS, FOREIGN ASSISTANCE
Control Number: n/a
Copy: SINGLE
Draft Date: 04 DEC 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: izenbei0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976RANGOO03965
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760449-0200
From: RANGOON
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19761272/aaaacjut.tel
Line Count: 414
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 8
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 STATE 288269, 76 RANGOON 3327, 76 STATE 231122, 76 RANGOON 3317, 76 STATE 231123, 75 RANGOON A-34
Review Action: RELEASED, APPROVED
Review Authority: izenbei0
Review Comment: n/a
Review Content Flags:
Review Date: 21 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <21 MAY 2004 by GarlanWA>; APPROVED <20 SEP 2004 by izenbei0>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: HUMAN RIGHTS REPORT FOR CONGRESSIONAL PRESENTATION FOR FY 1978 SECURITY ASSISTANCE PROGRAM
TAGS: SHUM, PFOR, PINT, PORG, EAID, EFIN, BM
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006